

Appln No. 10/622,221
Amdt date March 10, 2009
Reply to Office action of December 10, 2008

REMARKS/ARGUMENTS

In the Office action dated December 10, 2008, the Examiner maintained the rejection of claims 1, 2, 4, 9-17, 19 and 22-29 under 35 U.S.C. §103(a) as allegedly obvious over Cox, et al. (U.S. Patent No. 6,161,543) in view of Whayne, et al. (U.S. Patent No. 6,203,525). In maintaining this rejection, the Examiner asserts that Cox discloses a pre-formed generally heel-shaped curve comprising a first bend away from the axis of the catheter body and a second bend back toward and past the axis of the catheter body and terminates in a generally straight distal end which is generally transverse to the axis of the catheter body. Office action, page 3. However, the Examiner fails to point to any specific passage in Cox as support for this contention. Rather, the Examiner appears to rely on Figure 12A and a passage in Cox which the Examiner argues discloses "a generally straight distal end being at [an] angle of 90[°] with respect of the axis of the catheter body." Office action, page 3. While this passage may disclose a generally straight distal end on a right angle probe, it does not disclose a first bend *away* from the axis of the catheter body and a second bend *back toward* and past the axis of the catheter body, as recited in independent claims 1 and 17. As such, Cox fails to disclose a *pre-formed* generally heel-shaped curve comprising a first bend *away* from the axis of the catheter body and a second bend *back toward* and past the axis of the catheter body, as recited in independent claims 1 and 17. Whayne fails to remedy this deficiency, as Whayne also fails to teach or suggest these features. Accordingly, independent claims 1 and 17, and all claims dependent therefrom, including claims 2, 4, 9-16, 19 and 22-29, are allowable over Cox and Whayne.

The Examiner also rejected claims 30-32 under 35 U.S.C. §103(a) as allegedly obvious over Cox and Whayne in view of either Fung, et al. (U.S. Patent No. 6,120,476) or Swanson, et al. (U.S. Patent No. 5,961,513). However, each of claims 30-32 depends from one of independent claims 1 and 17, both of which are allowable over Cox and Whayne, as discussed above. Neither Fung nor Swanson remedies the deficiencies of Cox and Whayne, as neither reference teaches or suggests a pre-formed generally heel-shaped curve comprising a first bend away from the axis of the catheter body and a second bend back toward and past the axis of the

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catheter body, as recited in independent claims 1 and 17. Accordingly, independent claims 1 and 17, and claims 30-32 which depend therefrom, are allowable over Cox, Whayne, Fung and Swanson.

Claims 1, 2, 4, 9-17, 19 and 22-32 remain pending in this application, with claims 33 and 34 withdrawn from consideration. In light of the above remarks, Applicant submits that all of pending claims 1, 2, 4, 9-17, 19 and 22-32 are in condition for allowance. Applicant therefore respectfully requests reconsideration and a timely indication of allowance. However, if there are any remaining issues that can be addressed by telephone, Applicant invites the Examiner to contact Applicant's counsel at the number indicated below.

Respectfully submitted,

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